

COUNCIL BLUFFS, IOWA

ZONING BOARD OF ADJUSTMENT

ANNUAL REPORT

2005

January 1, 2005 – December 31, 2005

PREPARED BY

**COMMUNITY DEVELOPMENT DEPARTMENT
CITY OF COUNCIL BLUFFS**

April 12, 2006

Mayor and City Council
City Hall
209 Pearl Street
Council Bluffs, IA 51503

Mayor and Members of the City Council:

The Zoning Board of Adjustment transmits for your information this copy of the *2005 Annual Report*. This report contains a summary of the action taken by the Zoning Board of Adjustment in handling the various cases referred to them during the year.

I would like to take this opportunity to thank the other members of the Zoning Board of Adjustment and the staff of the Community Development Department for their efforts and support during the past year. I hope that together we can continue to serve the City of Council Bluffs in a program of progressive community development.

Respectfully submitted,

Matt O'Reilly, Chair
Zoning Board of Adjustment

MO/RLS

ZONING BOARD OF ADJUSTMENT

Matt O'Reilly, Chair
Mark Andrews
Bobbette Behrens
Matt Garst
Memory Mescher

MAYOR

Thomas P. Hanafan

CITY COUNCIL

Darren Bates
Scott Belt
Lynne Branigan
Matt Schultz
Matt Walsh, Jr.

COMMUNITY DEVELOPMENT DEPARTMENT

Donald D. Gross, Director
Gayle M. Malmquist, Development Services Coordinator
Rose E. Brown, Urban Planner
Rebecca L. Sall, Planning Technician
Cindy A. Clark, Administrative Secretary

ZONING BOARD OF ADJUSTMENT

MEMBERS AND TERMS

2005

<i>Members</i>	<i>Appointed</i>	<i>Re-appointed</i>	<i>Expires</i>
Mark Andrews	May 17, 1999	April 1, 2004	April 1, 2009
Bobbette Behrens	December 12, 2005		April 1, 2007
Frank Brabec (Resigned November, 2005)	June 13, 2002		April 1, 2007
Steve Brandon (Resigned November, 2005)	July 12, 2004	March 28, 2005	April 1, 2010
Memory Mescher	April 23, 2001		April 1, 2006
Matt O'Reilly	June 12, 2000	March 28, 2005	April 1, 2010

ATTENDANCE 2005

<i>Members</i>	<i>Present</i>	<i>Absent</i>
Mark Andrews	9	1
Bobbette Behrens	1	0
Frank Brabec	5	4
Steve Brandon	6	3
Memory Mescher	10	0
Matt O'Reilly	9	1

Meetings: 10 meetings were held in 2005. The regular meeting in February was canceled due to lack of a quorum and the May meeting was cancelled because there were no cases for consideration. Regularly scheduled meetings are held on the third Tuesday of each month, however, three meetings (March, August and November) had to be rescheduled due to the lack of a quorum.

SUMMARY OF ACTIVITIES

Introduction

The Zoning Board of Adjustment consists of five members appointed by the Mayor to staggered five-year terms. The Board has the power to hear and decide appeals where there is alleged to be an error in any order, requirement, decision or determination made by an administrative official or building official in the enforcement of Title 15 of the Municipal Code (Zoning Ordinance). Persons may apply to the Board in an effort to seek relief from any requirement of the Zoning Ordinance as set forth by State law. Appeals to the Board may be taken by any person or organization that believes that they have been aggrieved by an officer, department, or board of the municipality.

The Zoning Board of Adjustment heard 18 cases in 2005 compared to 11 cases in 2004, and 10 cases in 2003. Of this total, 10 cases were related to variances, seven were related to conditional use permits and one was an appeal of an administrative decision.

Variance Requests

In 2005, the Board heard 10 requests relating to variances from the requirements of the Zoning Ordinance. This compares to five requests in 2004 and six requests in 2003.

The Community Development Department recommended approval of five requests, denial of four and modification of one. The Board agreed with the Department on seven cases and disagreed on three, approving eight variances and denying two. The Board endorsed the Community Development Department recommendations 70% of the time.

Conditional Use Permits

Seven requests relating to conditional use permits were heard by the Board in 2005. This compares to six requests in 2004 and four requests in 2003. Four cases related to commercial recreation, one related to commercial storage and one request was for a new communication tower. The remaining case was a request for a modification to an existing communication tower.

The Community Development Department recommended approval of six of seven requests and denial of one. The Board concurred with six of the recommendations by approving five, denying one and failing to approve one. The Board agreed with staff on 85% of the conditional use cases.

Miscellaneous

The Board also heard one appeal of an administrative decision. The Community Development Department recommended the decision be upheld and the Board concurred.

Overall, the Board endorsed the Community Development Department's recommendations on 14 of the 18 requests, or 77% of the time.

ZONING BOARD OF ADJUSTMENT
VARIANCES
2005

1. CASE #BA-05-001

715 West Broadway

Sign area variances to allow 398 square feet of proposed signage.

CDD: Approval of 300 s.f.

ZBA: Approval of requested amount

2. CASE #BA-05-002

100 Power Drive

A 14-foot sign height variance to allow a 39-foot pole sign.

CDD: Denial

*ZBA: Withdrawn prior to ZBA
consideration*

3. CASE #BA-05-003

1609 Avenue 'K'

A 2.5 foot front yard and a 1 foot side yard setback variance to allow the reconstruction of a single family structure on an existing foundation.

CDD: Approval

ZBA: Approval

4. CASE #BA-05-004

1701 South 3rd Street

A 15 foot front yard setback variance to allow a structure to be built on the property line.

CDD: Approval

ZBA: Approval

5. CASE #BA-05-005

2437 Avenue 'M'

A 10 foot front yard setback variance to allow a structure to be set back 5 feet from the front property line.

CDD: Denial

ZBA: Denial

6. CASE #BA-05-006

2401 South 37th Street

A variance to allow existing and proposed structures to exceed the allowed height of 75 feet.

CDD: Approval

ZBA: Approval

7. CASE #BA-05-007

600 Forest Drive

A 15 foot rear yard setback variance to allow the construction of a deck onto the existing residential structure.

CDD: Denial

ZBA: Approval

8. CASE #BA-05-008

2400 Block of North Broadway

A variance to allow gravel surfacing on a proposed 1,250 foot long driveway instead of the required hard surfaced asphalt or concrete for a proposed residential structure.

CDD: Denial

ZBA: Approval

9. CASE #BA-05-009

1228 South Main Street

Variances for setbacks, lot coverage and off-street parking and a variance to enlarge a nonconforming structure.

CDD: Denial

ZBA: Withdrawn prior to ZBA consideration

10. CASE #BA-05-010

2612 West Broadway

Variances to allow an 11 foot tall monument sign on a premises where the front wall of the structure is less than 15 feet from the street right-of-way.

CDD: Approval

ZBA Approval

11. CASE #BA-05-011

1365 Madison Avenue

A front yard setback variance to allow the construction of an accessory structure in front of the principal structure.

CDD: Approval

ZBA: Approval

12. CASE #BA-05-012

1123 College Road

A variance to allow asphalt grinding surfacing instead of the required hard-surfaced asphalt or concrete for a proposed driveway.

CDD: Denial

ZBA: Denial

ZONING BOARD OF ADJUSTMENT
CONDITIONAL USE PERMITS
2005

- 1. CASE #CU-05-001** **1216 South Main Street**

A conditional use permit to allow commercial recreation (indoor) in an I-2/General Industrial District.

CDD: Denial *ZBA: Denial*
- 2. CASE #CU-05-002** **3236 Nebraska Avenue**

Amendment to an existing conditional use permit to allow a 10 foot extension to the existing 120 foot tall communication tower.

CDD: Approval *ZBA: Approval*
- 3. CASE #CU-05-003** **2437 Avenue 'M'**

A conditional use permit to allow a commercial storage facility in a C-2 Commercial District.

CDD: Approval *ZBA: Approval*
- 4. CASE #CU-05-004** **2502 – 23rd Avenue**

A conditional use permit to allow commercial recreation (outdoor) in an A-2/Parks, Estates and Agricultural District.

CDD: Approval *ZBA: Approval*
- 5. CASE #CU-05-005** **South of East South Omaha
Bridge Road, east of Mosquito
Creek**

A conditional use permit to allow commercial recreation (outdoor) in an A-2/Parks, Estates and Agricultural District.

CDD: Approval *ZBA: Approval*

6. CASE #CU-005-006

1129 – 9th Avenue

A conditional use permit to allow commercial recreation (indoor) in an I-2/General Industrial District.

CDD: Approval

ZBA: Failed to approve

7. CASE #CU-05-007

4500 Piute

A conditional use permit to allow construction of a 199 foot tall monopole communication tower in an A-2/Parks, Estates and Agricultural District.

CDD: Approval

ZBA: Approval

MISCELLANEOUS

2005

1. CASE #AP-05-001

3029 West Broadway

Appeal of an administrative decision to deny a set down permit for a modular structure in a C-2 Commercial District within the West Broadway Corridor Design Overlay

CDD: Uphold decision

ZBA: Uphold desision